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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,099	11/29/2000	Andrew Albert Messina	10541/16	6805

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EXAMINER

ORGAD, EDAN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,099

Applicant(s)

MESSINA ET AL.

Examiner

Edan Orgad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-28,30-34,39-50 and 62-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-28,30-34,39-50 and 62-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 35-38 are objected to because of the following informalities:

Claims 35-38 depend on a cancelled claim either directly or indirectly.

* For the purpose of a speedy prosecution, claim 35 will be treated as if it depends on claim 30 because cancelled claim 29 has been incorporated with claim 30.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-28,30-34,39-50 and 62-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clayton et al (Clayton, US Patent 6,725,022) in view of Osmani et al. (Osmani, US Patent No. 5,797, 101).

Regarding claim 30, Clayton teaches of a two-way satellite digital audio radio system (Figures 1 and 3) comprising: a ground station (Figures land 3 and column 10, lines 55 -65); an information source connected to said ground station (Figures land 3 and column 10, lines 55 -65 and column 7,lines 13 -18 and column 12, lines 8 -14)., a satellite in communication with said ground station (Figures land 3 and column 10, lines 55 -65)., a vehicle comprising a telematics interface device (Figure 2 and column 9,lines 1 -29); a satellite-air interface that provides communication between said satellite and

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said telematics device (Figures 1 and 3 and column 10, lines 55 -65); and wherein said telematics interface device comprises a back-channel that is in communication with said information source independently of said satellite (Figures land 3 and column 10, lines 55 -65 and column 11, lines 21 -39).

Clayton does not specifically teach of wherein said receiver has a unique alpha-numeric name associated therewith (though does teach of cellular network access for example column 10, lines 57 -62). In a related art dealing with the accessing of cellular networks, Osmani teaches of wherein said receiver has a unique alpha-numeric name associated therewith (column 17, lines 12 -17). It would have been obvious to one skilled in the art at the time of invention to have included into Clayton's vehicular communications device, Osmani's 12345678 unique serial number, for the purposes of validly accessing a cellular network to obtain service, as taught by Osmani.

Regarding claims 43 and 63, Clayton teaches of a two-way satellite digital audio radio system (Figures 1 and 3) comprising: a ground station (Figures land 3 and column 10, lines 55 -65) and information source means for providing information connected to said ground station (Figures land 3 and column 10, lines 55 -65 and column 7, lines 13 -18 and column 12, lines 8 -14) and a satellite in communication with said ground station (Figures 1 and 3 and column 10, lines 55 -65), a vehicle comprising a telematics interface means for providing telematics applications (Figure 2 and column 9, lines 1 -29), a satellite-air interface means for providing communication between said satellite and said telematics interface means (Figures 1 and 3 and column 10, lines 55 -65), and wherein said telematics interface means comprises a back-channel that is in

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communication with said information source independently of said satellite (Figures land 3 and column 10, lines 55-65 and column 11, lines 21-39).

Regarding claim 73, Clayton teaches a two-way satellite digital audio radio system comprising: a ground station (column 10, lines 55-60); an information source connected to said audio station (column 10, lines 55-60, column 7, lines 13-18 and column 12, lines 8-14); a satellite in communication with said ground station (column 10, lines 55-60); a vehicle comprising a telematics interface device (column 9, lines 1-29); a satellite-air interface that provides communication between said satellite and said telematics device (column 10, lines 55-60); and wherein said telematics interface device comprises a back-channel that is in communication with said information source independently of said satellite (column 10, lines 55-65 and column 11, lines 21-39); wherein said telematics interface device further comprises: an antenna that receives signals from said satellite air interface, and a receiver that receives signals from said antenna (column 8, lines 32-53); and a receiver device partitioning system that is connected with said receiver and receives digital data from said receiver and extracts telematics-specific data from said digital data (column 8, lines 30-67 and column 10, lines 25-36).

Regarding claim 81, Clayton teaches a two-way satellite digital audio radio system comprising: a ground station (column 10, lines 55-65); an information source connected to said ground station (column 10, lines 55-65, column 7, lines 13-18); a satellite in communication with said ground station (column 10, lines 55-65); a vehicle comprising a telematics interface device (column 9, lines 1-29); a satellite-air interface that provides communication between said satellite and said telematics device (column

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10, lines 55-65); wherein said telematics interface device comprises a back-channel that is in communication with said information source independently of said satellite(column 10, lines 55-65 and column 11, lines 21-39); and wherein said telematics interface device comprises a button that when depressed explicitly indicates a dislike of an item (column 11, lines 25-39).

Regarding claims 26, 64, 74 and 82, Clayton teaches of wherein said information source comprises a web site (column 6, lines 63-67 and column 6, lines 26-30).

Regarding claims 27, 65, 75 and 83, Clayton teaches of wherein said information source comprises a profile database (column 12, lines 8 -14).

Regarding claims 28, 66, 76 and 84, Clayton teaches of wherein said information source comprises recorded music (column 6, lines 44 -54).

Regarding claims 31, 45 and 67, Clayton teaches of further comprising a transformation system to support varying hardware platforms (Figure 2 and column 12, lines 41 -62).

Regarding claims 32 and 46, Clayton teaches of further comprising a second interface that allows communication between said back channel and said information source (Figures 1 and 3 and column 10, lines 55 -65 and column 11, lines 21 -39).

Regarding claims 44 and 68, Clayton teaches of wherein said telematics interface device further comprises: an antenna that receives signals said satellite air interface (Figure 2 and column 8, lines 32 -53) and a receiver that receives signals from said antenna (Figure 2 and column 8, lines 32 -53).

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Regarding claim 33, Clayton teaches of wherein said second interface is a terrestrial-air interface. (Figures 1 and 3 and column 10, lines 55 -65 and column 11, lines 21 -39).

Regarding claim 34, Clayton teaches of wherein said second interface is a satellite-air interface. (Figures 1 and 3 and column 10, lines 55 -65 and column 11, lines 21 -39).

Regarding claims 35, 47 and 68, Clayton teaches of wherein said telematics interface device further comprises a receiver device partitioning system that is connected with said receiver (Figure 2 and column 8, lines 30 -67) and receives digital data from said receiver and extracts telematics-specific data from said digital data (Figure 2 and column 8, lines 30 -67 and column 10, lines 25-36).

Regarding claims 36, 69 and 77, Clayton teaches of wherein said receiver device partitioning system comprises a data channel decoder that conducts channel decoding of said digital data (Figure 2 and column 8, lines 30 -67 and column 10, lines 25 -36 and column 9, lines 14 -29).

Regarding claims 37, 70 and 78, Clayton teaches of wherein said receiver device partitioning system comprises a data service decoder that converts said digital data to a format that is functionally usable for said telematics interface device (column 9, lines 14 -29 and column 10, lines 26 -36 and column 11, lines 21 -49).

Regarding claims 38, 71 and 79, Clayton teaches of wherein said receiver device positioning system comprises a data service decoder that converts said decoded digital data to a format that is functionally usable for said telematics interface device (column 9, lines 14 -29 and column 10, lines 26 -36 and column 11, lines 21 -49).

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Regarding claim 39, Clayton teaches of wherein said telematics interface device provides audio sound based on said communication between said satellite and said telematics device (column 10, lines 59 -65).

Regarding claims 40 and 48, Clayton teaches of wherein said telematics interface device comprises a button that when depressed allows the purchase of an item (column 11, lines 25 -39).

Regarding claims 41, 49, 72 and 80, Clayton teaches of wherein said telematics interface device comprises a button that when depressed indicates a like or dislike of an item (column 11, lines 25 – 39).

Regarding claims 42 and 50, Clayton teaches of wherein said telematics interface device comprises a global positioning system for determining the location of said vehicle (column 11, lines 25 – 32 and column 8, lines 11 -15).

Response to Arguments

Applicant's arguments filed 9/14/04 have been fully considered but they are not persuasive.

With respect to claims 43-50, applicant argues that Clayton fails to disclose a receiving device partitioning system 212 as shown in FIG. 3. However, it is examiner's contention that Clayton discloses a receiving device partitioning system, see figure 2, and column 8, lines 30-67, more specifically, Clayton teaches a telematics interface for providing telematics applications. Furthermore, claim 43 does not recite the limitation of a

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receiving device petitioning system. Also, Clayton discloses a telematics interface means that includes applicant receiver (see Clayton col. 9, lines 1-29 & col. 10, lines 55-65).

With respect to applicant's argument that Clayton fails to disclose a receiver that has a unique alpha-numeric name associated therewith. Examiner again submits, that this limitation is claimed in claim 43, nor is it a limitation that depends on claim 43.

With respect to claim 44, applicant argues that Clayton fails to disclose a receiver structure that covers the recited receiver 216 of Applicants' Specification and equivalents thereto as noted above. However, it is examiner's contention that Clayton does disclose receiver structure that covers the recited receiver, see Clayton col. 8, line 32-53.

With respect to claim 45, applicant argues that Clayton fails to disclose a transformation system that supports varying hardware platforms. However, it is examiner's contention that Clayton does disclose a transformation system that supports varying hardware platforms, see col. 12, lines 41-62.

With respect to claim 47, applicant argues that Clayton fails to disclose a receiver device partitioning means that covers the recited receiver device partitioning system 212 and equivalents thereof as mentioned above. However, it is examiner's contention that Clayton does disclose a receiver device partitioning means that covers the recited receiver device partitioning system, see Clayton col. 8, lines 30-67 and col. 10, lines 25-36.

With respect to claim 30, applicants argues the Clayton fails to disclose a unique alpha-numeric name associated therewith and that Osmani et al which is relied upon by examiner does not cure the deficiencies of Clayton et al, specifically a unique alpha-numeric name associated therewith. In particular, that the office Action points to a passage col. 17, lines 12-17 of Osmani et al. Applicants argument concerns mainly with

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the fact that in order to initiate this action of requesting a phone call, the radiotelephone must first obtain service. The passage states that the ESN is sent to the system 101. The sending of data strongly indicates that the passage is referring to a transceiver of the radiotelephone and not a receiver of the radiotelephone. However, it is examiner's contention that since Osmani discloses a generic phone number and a unique ESN, regardless on whether it is implied that a transceiver is used and not specifically a receiver as stated by Clayton that the combination of Osmani with Clayton is still valid because a receiver inherently is a part of a transceiver.

With respect to claims 62-84, please see arguments above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edan Orgad

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January 6, 2005


NAY MAUNG
SUPERVISORY PATENT EXAMINER